

Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case: BA2005010

Variance

Hearing Date:

April 13, 2005 (Continued from March 16, 2005)

Agenda Item:

Supervisory District:

4

* Indicates new or revised information received since the March 16, 2005 hearing.

Applicant:

Don Surface

Property Owner:

Russell Ranch Homeowner's Association

Request:

Variance to permit:

A blanket variance to permit existing and proposed wall heights of up to 9'-4" where 6 feet is the maximum allowed in the R1-18 R.U.P.D. zoning district.

This variance is requested from the following Zoning Ordinance Section(s):

Section 601, Article 601.2.12

Site Location:

Southwest corner of Citrus Road and Bethany Home Road
(Goodyear area)

Site Size:

6,547,068 square feet (150.3 acres)

Existing Zoning:

R1-18 R.U.P.D.

Current Use:

Residential

Citizen

Support/Opposition:

None known

Staff

Recommendation:

Approve with stipulations

Existing On-Site and Surrounding Zoning:

1. On-site: R1-18 R.U.P.D.
North: Rural-43
South: Rural-43
East: C-2 and Rural-43
West: R1-18 R.U.P.D.

Existing On-Site and Surrounding Land Use:

2. On-site: Single-family residences/vacant
North: Vacant
South: Vacant
East: Vacant
West: Vacant/proposed Savannah subdivision

Background:

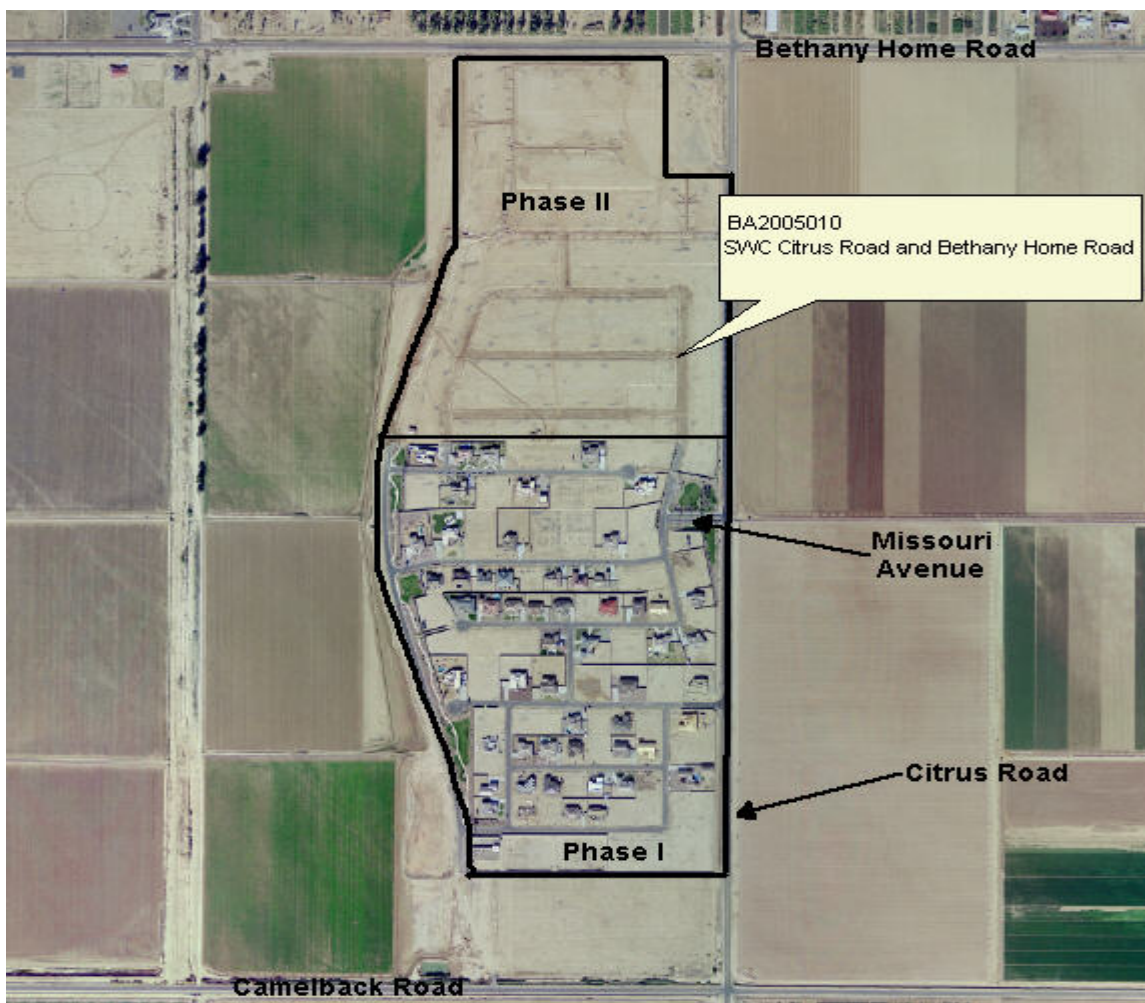
3. **June 16 2000:** A preliminary plat for Russell Ranch subdivision was applied for under **S2000045**.
4. **October 18, 2000:** The Russell Ranch subdivision was rezoned from Rural-43 to R1-18 R.U.P.D. and C-2 P.D. under **Z2000093**.
5. **July 19, 2001:** A revision to the preliminary plat for the Russell Ranch subdivision to add a waste water treatment plant was approved under **S2001024**.
6. **July 25, 2001:** A Special Use Permit was approved for the waste water treatment plant under **Z2001017**.
7. **August 8, 2001:** The final plat for Russell Ranch Phase I was approved under **S2001008**.
8. **June 4, 2003:** The final plat for Russell Ranch Phase II was approved under **S2001089**.
9. **September 24, 2004:** A complaint was received and violation case **V200401168** was opened by the Code Enforcement Division for perimeter walls exceeding six feet in height.
10. **February 4, 2005:** The applicant applied for this variance request.
- *11. **March 16, 2005:** The case was continued to the April 13, 2005 hearing.

Findings:

12. **Maricopa County Department of Transportation:** No objection to this variance request.
13. **Flood Control District:** No objection to this variance request (see attached memo).
14. **Environmental Services Department:** No objection to this variance request (see attached memo).

Site Analysis:

15. The subject site is approximately 4,653-feet in width and 1,333-feet in depth for a total area of 6,547,068 square feet or approximately 150 acres. The property fronts on Citrus Road and Bethany Home Road but its major access point is from Citrus Road via Missouri Avenue which leads into the subdivision. Other access points are from Bethany Home Road via 181st Avenue and Citrus Road via Solano Drive and Oregon Avenue.



Aerial view of subject site and surrounding area

16. The subdivision of Russell Ranch Phase I & II comprises the subject site for this variance request. Phase 1 has 104 lots and 11 tracts while Phase 2 has 103 lots and 17 tracts. The site is level and free of any obvious physical or topographical hardships. The property has been graded and is in the process of having all infrastructure and building pads completed.
17. The following table is included to illustrate and contrast the standards for the underlying zoning district with those proposed by the applicant.

| Standard | R1-18 R.U.P.D. (Zoning District) | Proposed Standard |
|---------------------|-------------------------------------|----------------------|
| Front Yard Setback | 20,30,35-feet | N/A |
| Rear Yard Setback | 20,30,35-feet | N/A |
| Side Yard Setback | 10/5 & 10/10 feet | N/A |
| Street Side Setback | 10-feet | N/A |
| Maximum Height | 30-feet/2 stories | N/A |
| Minimum Lot Area | 16,400 sq. ft. | N/A |
| Minimum Lot Width | 90-feet | N/A |
| Lot Coverage | 35% | N/A |
| Wall Height | 6-feet | 9'4" |

*Standards indicated in **bold** do not meet minimum base zoning standards.

Land Use Analysis:

18. The subject site is located in the north-central portion of the county near the City of Goodyear and the Town of Buckeye. Camelback Road is approximately 700 feet to the south of the subject site, which is also the northern boundary for the City of Goodyear, while the Town of Buckeye is approximately three miles to the west. The Arizona State Prison at Perryville is approximately two miles south of the subject site. The immediate area is currently being developed through the subdivision process. Within one mile of the subject site are the future subdivisions of Russell Ranch Phase III, IV and VI, Savannah and Cottonwood Estates. The immediate area is zoned R1-18 R.U.P.D. (County) while the general area is zoned C-2, R1-10, R1-18 and Rural-43 (County) and AG (Goodyear).
- *19. Staff research found two other Board of Adjustment cases currently being processed in the immediate area of the subject property. Both of these cases are for the Savannah subdivision located to the west of the subject site. These two cases are described below:
- **BA2005045:** This is a request for a blanket variance to Permit combined perimeter/retaining wall heights of up to 10 feet where 6 feet is the maximum wall height allowed in the R1-18 and R1-10 zoning districts. Located at 5501 N. Perryville Road, approximately ¾-miles west of the subject site. This request is identical to the subject request. This case has not yet been heard by the Board of Adjustment at the time this report was written.

- **BA2005046:** A request to Permit proposed subdivision identification signs (4) to be 40-square feet in area where 32-square feet is the maximum allowed in the R1-10 zoning district. This request is also located at 5501 N. Perryville Road.

Plan Analysis:

20. The applicant is seeking a blanket variance to permit existing and proposed wall heights of up to 9'-4" where 6 feet is the maximum allowed in the R1-18 R.U.P.D. zoning district. This request came about due to a violation complaint regarding perimeter walls that exceeded six feet in height. Per Maricopa County Zoning Ordinance Section 601, Article 601.2.12

*Fences or freestanding walls not to exceed a height of three feet six inches in any required front yard, and not to exceed a height of six feet in required side or rear yards on the lot, except that when a corner lot abuts a key lot, the fence or freestanding wall over three feet six inches, but not more than six feet in height on the corner lot, shall set back from the street side property line not less than half the depth of the required front yard. Note: Those utility companies which are regulated by the Arizona Corporation Commission may be allowed increased fence heights due to national, state or local standards. *5, *6, *8*

**5 Revised 6-6-77, *6 Revised 11-8-82, *8 Revised 4-1-85*

21. Staff research found that on the preliminary plats and final plats of both Russell Ranch I and II there was a stipulation that stated that the walls should be no higher than six feet in height. In accordance with the Planning and Zoning commission's action for the preliminary plat of Russell Ranch subdivision (S2001024), approved July 19, 2001 per stipulation P; *Interior and perimeter walls shall be limited to 6' in height.* On the final plat for Russell Ranch I (S2001008), approved August 8, 2001 per notes #10; *Internal and perimeter walls shall be limited to 6' in height.* Finally, on the final plat for Russell Ranch II (S2001089), approved June 4, 2003 per notes #10; *Internal and perimeter walls shall be limited to 6' in height.*
22. Staff is sympathetic to the applicant's request, but is unable to find a specific hardship that would justify granting of this variance. While the applicant states that the wall plans were approved by various county staff, those approvals were for wall heights that were shown to be six feet in height on the interior and exterior elevations adjacent to the wall. The site in question is relatively flat and free of any notable topographic features, which if were present, could have been remedied during the grading and infrastructure phases of the subdivision. An alternative for this request would have been to address the wall height concerns during the R.U.P.D process. Unfortunately, the only alternative available would be to adhere to the stipulations that were approved for this subdivision and either remove the portions of the walls which are higher than six feet or to rebuild the walls to a maximum height of six feet. Any hardship associated with this request is self-created due to the failure to follow the stipulations set forth in either of the approved preliminary plats and/or final plats of Russell Ranch I

& II, therefore staff must recommend that the applicant find an alternative to this request and that the Board deny this variance.

Recommendation: (BA2005010)

23. Staff recommends **denial** of the variance request based on the following:

- Granting this request would confer a special privilege to the applicant.
- There is no hardship associated with this request. Any hardship in this case is self-created due to the failure to follow the stipulations approved in the subdivision cases.
- The request conflicts with the intent of the Zoning Ordinance.
- There are alternatives available to the applicant that would eliminate the need for this variance.

24. If the Board finds that a reasonable use of the property cannot be made without this variance, then this request may be approved, subject to the following stipulations:

- a) General compliance with the final plats and stipulations for Russell Ranch Phase I & II approved August 8, 2001 and June 4, 2003 respectively.

mjf

Attachments: Case Map BA2005010
Zoning Map
Assessor Map
Site Plan
Application
Supplemental Questionnaire
Narrative of Variance Request with Wall Elevations (5 pages)
Photographs (35 pages)
Environmental Services Memo
Flood Control District Memo